REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-6, 8-15, 17-20, 22-26 and 28-33 are pending. Claims 1-6, 8-15, 17-20, 22-26 and 28-33 stand rejected. In this response, claims 1, 6, 8, 15, 17, 22, 26, 28 and 33 have been amended. No new claims have been added. No claims have been canceled. Thus, claims 1-6, 8-15, 17-20, 22-26 and 28-33 remain pending. Support for the amendments can be found throughout the specifications as filed. No new matter has been added. Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

Amendments

Amendments to the Claims

Rejections under 35 U.S.C. § 103(a)

Claims **1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33**

Claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keiko Abe, US Patent No. 6,714,216 (hereinafter "Abe") in view of Rorger P. Sacilotto, Jr. et al., US Patent No. 6,763,523 (hereinafter "Sacilotto"). Applicant hereby reserves the right to swear behind Abe and Sacilotto at a later date. However, applicant respectfully submits that applicant's claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33, as amended, are patentable over the cited references.

Specifically, for example, independent claim 1, as amended, includes the limitations:

"A) storing the time based stream of information in storage, the time based stream of information having a first portion and a second portion, the first portion being stored in a first part of the storage, the second portion being stored in a second part of the storage;
B) selecting the first portion of the time based stream of information;
C) receiving a user deletion command; and
D) moving at least a portion of the time based stream of information from the second part of the storage to the first part of the storage for deleting the

first portion from the storage, without examining storage capacity state, in response to the user deletion command such that the portion is no longer stored on the storage and is thereby destructively edited" (emphasis added)

Applicant's amended claim 1 includes the limitations of moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the selected first portion of the time base information from the storage in response to a deletion command received. It is respectfully submitted that neither Abe nor Sacilotto, individually or in combination, disclose or suggest the noted limitations.

Rather, Abe describes a video editing method to perform an editing operation rapidly and efficiently for setting an editing point of a video sequence or a video clip (Abe, col. 2, lines 35-38). Abe also discloses an external storage apparatus storing video data files and audio data files (Abe, Fig 12, col. 6 lines 20-66). An image process in Abe produces display video data based on data files read out from the external storage apparatus and sends out the display video data to a video random access memory (Abe, Fig. 12, col. 7 lines 52-61). Additionally, Abe teaches a clip deletion mode to control the external storage apparatus and the image processor to delete designated video clip and audio clip, thereby deleting corresponding cursors in a video browser window and the frameworks of the corresponding video clip and audio clip in a time line window (Abe, Fig. 12, col. 17, lines 18-31). However, nowhere does Abe disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the selected first portion of the time base information from the storage in response to a deletion command received.

Sacilotto, on the hand, describes a playback device including a transfer tool on a server transferring a composition identified by a composition ID from an edit workstation to the playback device via a hub (Sacilotto, col. 3, lines 13-21, lines 40-53). Sacilotto also discloses a composition ID is associated with a decomposed composition stored in the server (Sacilotto, col. 4, lines 24-26). According to Sacilotto, the transfer tools queries a composition ID to see if the ID already exists stored on the server (Sacilotto, col. 6, lines 9-12). If the server recognizes an ID that is stored in its tables, the server assumes a request to update the

ID and deletes the composition associated with the old ID (Sacilotto, col. 8, lines 12-16). In addition, Sacilotto teaches decrementing a reference count of a clip referring to a media segment from the composition when deleting a composition (Sacilotto, col. 8, lines 29-36). Moreover, the server in Sacilotto does not automatically delete a clip when the reference count becomes zero. Rather, the server only begins deleting clips when the storage becomes greater than a particular percentage full (Sacilotto, col. 8, 50-55). However, nowhere does Sacilotto disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the selected first portion of the time base information from the storage in response to a deletion command received.

Furthermore, Abe is related to a video editing apparatus and method wherein an editing point is set for a plurality of video sequences imaged from multiple angles with the same time frame (Abe, col. 1, lines 6-14). Sacilotto, on the other hand, relates to providing a method and system to avoid the duplicate storage and transfer of multimedia data in a playback device, thereby increasing system bandwidth and available playback memory (Sacilotto, col. 1, lines 58-61). In Abe, playback devices are locally integrated with the editing apparatus (Abe, Fig. 2). However, in Sacilotto, a playback device is coupled to an edit workstation through a hub (Sacilotto, Fig. 1). Thus, in contrast to Abe, a playback device and an editing workstation in Sacilotto are coupled through a network. There is neither suggestion nor motivation to combine Sacilotto with Abe.

As such, not only do Abe and Sacilotto not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Abe with Sacilotto based on applicant's own disclosure. Even if they are combined, such combination still lacks the limitations set forth above.

Therefore, applicant respectfully submits that claim 1, as amended, is patentable over Abe in view of Sacilotto under U.S.C. §103(a). Independent claims 8, 17, 22 and 28, as amended, include limitations similar to those discussed above. Therefore, for at least the reasons similar to those discussed above, applicant respectfully submits that claims 8, 17, 22 and 28, as amended, are patentable over Abe in view of Sacilotto under U.S.C. §103(a).

Given that claims 2-3, 6, 11, 13, 18-20, 23-24, 26, 29-30 and 33, as amended, depend from and include all limitations of one of independent claims 1, 8, 17, 22 and 28, as amended, applicant respectfully submits that claims 2-3, 6, 11, 13, 18-20, 23-24, 26, 29-30 and 33, as amended, are patentable over Abe in view of Sacilotto under 35 U.S.C. §103(a).

Rejections under 35 U.S.C. § 103(a)

Claims **4, 14, 25 and 31**

Claims 4, 14, 25 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Sacilotto, and further in view of Chao et al., US Patent No. 5,732,184 (hereinafter "Chao"). However, applicant respectfully submits that applicant's claims 4, 14, 25 and 31, as amended, are patentable over the cited references.

Specifically, for example, claim 4 depends upon independent claim 1, as amended, claim 14 depends upon independent claim 8, as amended, claim 25 depends upon independent claim 22, as amended, and claim 31 depends upon independent claim 28, as amended. Therefore, claims 4, 14, 25 and 31 include all the limitations of claims 1, 8, 22 and 28, as amended, respectively, including the limitations set forth above. It is respectfully submitted that Abe, Sacilotto, for the reasons similar to those discussed above, or Chao, individually or in combination, fail to disclose or suggest the noted limitations.

Rather, Chao teaches a method of editing video sequences including the steps of displaying a time rectangle of a video sequence on a timeline on a monitor of an editing computer, placing a movable cursor at a selected location along the time rectangle, displaying a miniature version of a video frame corresponding to the selected location of the time rectangle adjacent the cursor in time rectangle and editing the video sequence based upon the displayed video frame (Chao, col. 2, line 66 – col. 3 line 7). Chao also discloses a trimming operation where a processor determines the cursor position and deletes the frames from the beginning of a clip or from the cursor location of the clip (Chao, col. 6, lines 5-17). However, nowhere does Chao disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the selected first portion of the time base information from the storage in response to a deletion command received.

Furthermore, Chao is related to a computer-based system for editing video and audio sequences. For at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Sacilotto, Abe and Chao.

As such, not only do Abe, Sacilotto and Chao not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Abe, Sacilotto and Chao based on applicant's own disclosure. Even if they are combined, such combination still lacks the limitations set forth above.

Therefore, applicant respectfully submits that claims 4, 14, 25 and 31 are patentable over Abe in view of Sacilotto in further view of Chao under 35 U.S.C. §103(a).

Rejections under 35 U.S.C. § 103(a)

Claims **5, 9-10, 12 and 32**

Claims 5, 9-10, 12 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Sacilotto, and further in view of Owen John Gamon, US Patent No. 6,345,318 (hereinafter "Gamon"). Applicant hereby reserves the right to swear behind Gamon at a later date. However, applicant respectfully submits that applicant's claims 5, 9-10, 12 and 32 are patentable over the cited references.

Specifically, for example, claim 5 depends upon independent claim 1, as amended, claim 9-10 and 12 depend upon independent claim 8, as amended, and claim 32 depends upon independent claim 28, as amended. Therefore, claims 5, 9-10, 12 and 32 include all the limitations of claims 1, 8 and 28, as amended, respectively, including the limitations set forth above. It is respectfully submitted that Abe, Sacilotto, for the reasons similar to those discussed above, or Gamon, individually or in combination, fail to disclose or suggest the noted limitations.

Rather, Gamon teaches a method for presenting only those confirmation messages that the user would like to see (Gamon, col. 2, lines 34-36). In Gamon, a control program allows the user to specify categories of operations in a category list to select which categories receive

confirmation messages and to select which categories of operation have deleted data sent to a recycle bin (Gamon, col. 2, lines 36-41). However, nowhere does Gamon disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the selected first portion of the time base information from the storage in response to a deletion command received.

Furthermore, Gamon is related to improved information processing systems. Apparently, a video editing apparatus, a system to avoid duplicating storage and transfer of multimedia data in a playback device, and an improved information processing system belong to unrelated arts. Thus, for at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Sacilotto, Abe and Gamon.

As such, not only do Abe, Sacilotto and Gamon not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Abe, Sacilotto and Gamon based on applicant's own disclosure. Even if they are combined, such combination still lacks the limitations set forth above.

Therefore, applicant respectfully submits that claims 5, 9-10, 12 and 32 are patentable over Abe in view of Sacilotto in further view of Gamon under 35 U.S.C. §103(a).

Rejections under 35 U.S.C. § 103(a)

Claims **1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33**

Claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abe in view of Ellis et al., US Patent Application Publication No. US2003/0149988 (hereinafter "Ellis"). Applicant hereby reserves the right to swear behind Ellis at a later date. However, applicant respectfully submits that applicant's claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33, as amended, are patentable over the cited references.

Specifically, as similarly discussed above, claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33, as amended, include the above noted limitations. It is respectfully submitted that neither Abe, for the reasons similar to those discussed above, nor Ellis, individually or in combination, disclose or suggest the noted limitations.

Rather, Ellis teaches an interactive television program guide system providing users with an opportunity to select programs for recording on a remote media server or a local media server using VCR like control over programs that are played back from the media servers and over real-time cached copies of the programs (Ellis, ABSTRACT). Ellis also discloses a media server issues a delete command to a storage device to delete a selected program from its media store and update media directories and user directory (Ellis, [0168]). In addition, Ellis describes media servers automatically delete portions of a program that is being real-time cached (Ellis, [0169]). However, nowhere does Ellis disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the selected first portion of the time base information from the storage in response to a deletion command received.

Furthermore, Ellis is related to interactive television program guide systems that allow users to record programs and program guide data on a media server. Clearly, interactive television program guide system and video editing apparatus belong to completely different arts. For at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Abe and Ellis.

As such, not only do Abe and Ellis not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Abe and Ellis based on applicant's own disclosure. Even if they are combined, such combination still lacks the limitations set forth above.

Therefore, applicant respectfully submits that claims 1-3, 6, 8, 11, 13, 17-20, 22-24, 26, 28-30 and 33, as amended, are patentable over Abe in view of Ellis under 35 U.S.C. §103(a).
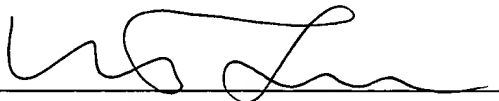
CONCLUSION

In view of the foregoing, applicant respectfully submits that all applicable objections and rejections have been overcome. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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